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Letter dated 23 February 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1966 (2010) adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals (the Mechanism) and, in particular, the appointment of the President and the Prosecutor of the Mechanism.

Article 11, paragraph 1, of the Statute of the Mechanism, found in annex 1 to resolution 1966 (2010), provides that "[a]fter consultation with the President of the Security Council and the judges of the Mechanism, the Secretary-General shall appoint a full-time President from among the judges of the Mechanism".

Further, article 14, paragraph 4, of the Statute provides that "[t]he Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations".

I also wish to draw your attention to article 7 of the Transitional Arrangements, annex 2 to resolution 1966 (2010), which states that "[n]otwithstanding the provisions of the Statutes of the Mechanism, the ICTY and the ICTR, (a) the President, Judges, Prosecutor and Registrar of the Mechanism may also hold the office of President, Judge, Prosecutor and Registrar, respectively, of the ICTY or ICTR;". I believe that it is important to make full use of double-hatting so that the Mechanism is cost-effective.

Accordingly, I intend to appoint Judge Theodor Meron of the United States as the President of the Mechanism. Judge Meron is presently the President of the International Tribunal for the Former Yugoslavia. I would be most grateful to receive your views on the proposed appointment, as required by article 11, paragraph 1, of the Statute of the Mechanism.

Security Council resolution 1966 (2010) and its annexes do not prescribe the length of the term of office of the President. Bearing in mind that the Mechanism shall operate for an initial period of four years, and that the Prosecutor and the Registrar are appointed for a four-year term, I intend to appoint the President for a term of four years.

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Further, pursuant to article 14, paragraph 4, of the Statute of the Mechanism, I hereby nominate Mr. Hassan Bubacar Jallow of the Gambia for appointment as Prosecutor of the Mechanism. Mr. Jallow is the current Prosecutor of the International Criminal Tribunal for Rwanda.

Judge Meron and Mr. Jallow are eminently qualified for the respective positions of President and Prosecutor. I believe that the Mechanism would benefit immensely from their considerable experience, outstanding leadership skills and profound commitment to international criminal justice.

The Arusha branch of the Mechanism shall commence functioning on 1 July 2012 as required by Security Council resolution 1966 (2010). I have already appointed Mr. John Hocking as the Registrar of the Mechanism pursuant to article 15, paragraph 3, of the Statute of the Mechanism. I would propose that the appointments of the President and the Prosecutor should be effective 1 March 2012 so that they may work together with the Registrar towards the efficient start of the operations of the Mechanism.

(*Signed*) **BAN** Ki-moon